skilled artisan would not be able to recognize undisclosed oligomerization domains, binding domains and spacers based on the present disclosure, or that the skilled artisan would be unable to prepare oligomers containing such domains. The Examiner contends only that disclosure does not identify additional such domains. Applicants assert that the skilled artisan in possession of the present disclosure is able to recognize such domains and prepare the corresponding oligomers. Nothing more is required to satisfy the requirements of 35 USC 112, first paragagraph.

In paragraph 5, the Examiner apparently asserts that the fields of peptide biology and chemistry is so unpredictable that one of ordinary skill in the art would not know how to recognize and combine other oligomerization domains, binding domains and spacers to obtain additional pentamers within the scope of the claims. Again, Applicants assert that the fields of peptide chemisty and biology are not unpredictable enough to justify the rejection.

The specification teaches that the oligomerization domain should be derived from a peptide that is known for its tendency to oligomerize. See, for example, the paragraph bridging pages 2 and 3 of the specification. The Examiner does not assert that no such peptides are known or that one of skill in the art would not be able to recognize such a domain. Moreover, the specification, for example, at page 5, second full paragraph, and Example 5, which begins on page 15, provides sufficient detail to enable the skilled artisan to select additional oligomeric domains with a reasonable expection of obtaining a useful embodiment of the present invention.

In the previous Office action, the Examiner makes reference to unpredictability in the linkers. However, the present claims are limited to proline rich spacer domains that prevent formation of secondary structure elements and provide a fixed 3-D structure. See, page 4, first full paragraph. Applicants assert that one of ordinary skill in the art would be able to select appropriate proline-rich spacers to achieve these objectives.

For these reasons, Applicants request reconsideration and withdrawal of the rejections of claims 1, 4, 5, 11, 12 and 33 under 35 USC 112, first paragraph.

Claim 11 is separately rejected under 35 USC 112, first paragraph (second paragraph?). By referring to the Kajava paper, the present application fixes the meaning of COMP in this application. It is well established that the patent applicant can be his/her own lexicographer. The meaning in this application is clearly the same as the meaning given in the Kajava paper. Thus, claim 11

application meets the definiteness requirement of 35 USC 112, and Applicants request withdrawal of the rejection claim 11 under that section.

In response to the new rejection, Applicants assert that "consists esssentially of" is a term of art that is accepted in patent claims by many judicial decisions. When an invention claimed in a patent "consists essentially of" certain elements, it is well established that the patent claim is open to additional elements that do not materially affect the basic or novel characteristics of the invention as defined by the claim. Therefore, Applicants assert that the metes and bounds of the claims are clear in view of the case law. Accordingly, Applicants request withdrawal of the new rejection.

Entry of this amendment and reconsideration and allowance of the claims is requested.

Respectfully submitted,

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